

GTW JOINT VENTURE; HOLE IN THE DONUT, LLC; * BEFORE THE
WAVERLY WOODS DEVELOPMENT CORP., * PLANNING BOARD OF
C/O LAND DESIGN AND DEVELOPMENT, INC. * HOWARD COUNTY, MARYLAND
Petitioner *
PLANNING BOARD CASE 381 *

* * * * *

On October 4, 2007, the Planning Board of Howard County, Maryland, in accordance with Section 127.1.K.2 of the Howard County Zoning Regulations, held a public hearing to consider the petition of GTW Joint Venture; Hole In The Donut, LLC; Waverly Woods Corp., c/o Land Design and Development, Inc. for approval of a Comprehensive Sketch Plan (S-06-13, GTWs Waverly Woods, Section 14, Parcel A, 'The Courtyards at Waverly Woods – West') and Development Criteria, for the development of 350 age-restricted adult housing (ARAH) units (139 single family (SFA) units and 211 single family detached (SFD) units) on 149.40± acres of land zoned PSC (Planned Senior Community). The subject site is located on the west side of Marriottsville Road, opposite Warwick Way, in the Third Election District of Howard County, Maryland, and is identified on Tax Map 16, Grids 3&4 as TM Parcel 120 and parts of Tax Map Parcels 221 and 249.

The Notice of the Hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record of the case. Pursuant to the Planning Board's Rules of Procedure, all of the reports and official documents pertaining to the Petition, including the Howard County Code, General Plan of Howard County, Howard County Zoning Map, Howard County Zoning Regulations, the Zoning Board decision on ZB Case 1027M (Preliminary Development Plan and Criteria), the Technical Staff Report of the Department of Planning and Zoning, the reports of the responding reviewing agencies, adequate public facilities ordinance, forest conservation manual, and the landscape manual were made part of the record.

1 A list of exhibits introduced into evidence by the Petitioner at the hearing is attached to this Decision and
2 Order as Attachment 1.

3 Mr. Michael Antol of the Department of Planning and Zoning (DPZ) introduced DPZ's Technical Staff
4 Report, which recommended approval of the proposed plan as being effective in being consistent with the
5 zoning document (Preliminary Development Plan and Preliminary Development Criteria), with the exception
6 of two minor revisions cited in Finding of Fact 3(a). The recommendation was subject to compliance with
7 review comments transmitted to the developer with DPZ's letters dated 2/26/07, 5/2/07 and 6/18/07 relating
8 to minor revisions, corrections and to processing requirements. He also gave an overview of the project
9 and the history of the subject site and the adjacent properties.

10 Mr. Rosenbaum questioned the time for allocation testing and Mr. Antol explained that the plan is not tested
11 for allocations until the Decision and Order is signed.

12 The Petitioner was represented by Mr. Joseph Rutter. He addressed the three criteria to be considered by
13 the Planning Board, and explained and exhibited a plan presentation on all aspects of the proposed
14 development. Mr. Rutter explained the plan as being the second part of the Planned Senior development
15 and that the first section is currently under construction. He stated that there is going to be a large road
16 mitigation plan to widen the road along Marriottsville Road from I-70 to Route 99. Mr. Rutter also stated that
17 the plan received SRC approval in February of 2007.

18 Ms. Dombrowski asked Mr. Rutter several questions regarding the road configuration, the increased size of
19 the community building as well as the low density of the project. Mr. Rutter explained that the road was
20 configured in a way to reduce the environmental impact on wetlands. He stated the community building had
21 to be increased in size due to recent changes in the Zoning Regulations. He also stated that the low
22 density was determined by the layout of the plan as well as leaving an optimal buffer between the subject
23 parcel and the adjacent landfill parcel.

1 Mr. Rosenbaum asked how the MIHU requirement was being met. Mr. Rutter explained that the building at
2 Warwick and Birmingham has 102 units in a green building and houses the MIHUs and is already up and
3 operational.

4 Mr. Grabowski questioned the timing for the road mitigation. Mr. Rutter stated that as soon as the final plan
5 was approved he hoped to start construction.

6 Joel Goodman of 6006 Ten Oaks Road, Clarksville, Maryland, spoke as a representative for the Howard
7 Astronomical League. He stated his concerns that lighting from the project would affect an observatory that
8 is being installed at the adjacent Alpha Ridge Park. He requested that the developer not use light that
9 would be projected upward and dark sky lighting features. Mr. Rutter stated that he would work with the
10 League as long as the requests follow the County's Design Manual Guidelines.

11 There was no testimony in opposition to the Comprehensive Sketch Plan (S-06-13) and Development
12 Criteria.

13 Mr. Grabowski, Vice-Chairperson, closed the public hearing at approximately 7:30 pm, and the Planning
14 Board proceeded to deliberate and vote on the case in open session. The Planning Board then voted on
15 the Comprehensive Sketch Plan (S-06-13) and Development Criteria, and approved it 4 to 0.

16 FINDINGS OF FACT

- 17 1. The proposed Comprehensive Sketch Plan (S-06-13) and Development Criteria propose to develop
18 350 ARAH units (139 SFA units and 211 SFD units) on 149.40± acres of land zoned PSC.
- 19 2. The area of the proposed open space is approximately 83.15 acres (55.7% of the site).
- 20 3. The plan effectively conforms with the three criteria found in Section 127.1.K.3 of the Howard
21 County Zoning Regulations:
 - 22 a. The Comprehensive Sketch Plan and Development Criteria are consistent with the approved
23 Preliminary Development Plan and Preliminary Development Criteria, with the following
24 exceptions:
25

- 1) The proposed private road to the south of the proposed public road now terminates in a 'J', instead of a loop.
- 2) The proposed community building has increased in floor area from 3,500 sq. ft. to 4,490 sq. ft. in accordance with current Section 127.1.B.8 of the Howard County Zoning Regulations.
- b. The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan. In this case, no phasing of development was indicated on the Preliminary Development Plan. The Comprehensive Sketch Plan Phasing Tabulation on plan sheet 1 requests unit allocations as follows:
- | | | |
|----------------|----------------------------|-----------|
| Phase I..... | Allocation Year 2009 | 10 units |
| Phase II..... | Allocation Year 2010 | 50 units |
| Phase III..... | Allocation Year 2011 | 100 units |
| Phase IV | Allocation Year 2012 | 100 units |
| Phase V..... | Allocation Year 2013 | 90 units |
- Milestone dates for the submission of the site development plan(s) for each phase will be established at the time that tentative housing unit allocations are granted with the Decision and Order for the Comprehensive Sketch Plan. Adjustments will be made to the Phasing Tabulation to reflect a beginning phase in the current allocation year (2010).
- c. The Comprehensive Sketch Plan and Development Criteria specify how the standards in Section 127.1.G will be met.
- 1) The purposes of the PSC District are met. The proposed development will accomplish the purposes of the PSC District by providing carefully designed independent housing for older adults and elderly persons with ARAH universal design features. The project has been designed to be compatible with the general character

1 of the overall Waverly Woods community and neighborhoods by the use of similar
2 building materials, style and distribution of open space buffers and site amenities.
3 The bulk regulations in the Design Criteria for density, structure and use setbacks,
4 structure heights and spacing between structures meets or exceeds those found in
5 Zoning Section 127.1.E for the PSC District and those found in Zoning Section 111.D
6 for the R-SA-8 District that were used as a comparison.

7 2) The site meets the requirements of Section 127.1.B as follows:

- 8 a) A condominium association will be established to enforce the 55 years of age
9 or older age restriction in addition to the County enforcement of the Zoning
10 Regulations.
- 11 b) The site will be served by public water and sewer.
- 12 c) The site has direct access to Marriottsville Road, an Intermediate Arterial
13 roadway designated in the General Plan 2000.
- 14 d) The project will contain 350 dwelling units, exceeding the minimum
15 requirement of 50 dwelling units.
- 16 e) The project will contain two types of housing units: 211 SFD units and 139
17 SFA units.
- 18 f) The project will provide 83.15 acres of open space, 55.7% of the gross project
19 area, exceeding the minimum 35% of open space required which is 52.29
20 acres.
- 21 g) The community is to have pathways, seating areas, a community building,
22 common areas and open space areas.
- 23 h) The developer has provided the required 35 MIHUs (350 units proposed x
24 10% MIHUs required = 35 MIHUs required) at Waverly Gardens (SDP-04-60),
25 located in Waverly Woods on the east side of Marriottsville Road.

- 1 i) The project will have a 4,490 sq. ft. floor area community building which meets
2 the requirements of Zoning Section 127.1.B.8 (20 sq. ft. for each of the first 99
3 units and 10 sq. ft. for each unit in excess of 99 = 4,490 sq. ft. for the
4 proposed 350 units).
- 5 3) Safe public road access is available to and from the site. A proposed public road will
6 connect to Marriottsville Road, opposite of Warwick Way, at an existing traffic signal.
7 Public road improvements along Marriottsville Road from I-70 to MD Route 99 are
8 currently being reviewed and processed for approval. [See F-07-32, GTWs Waverly
9 Woods APFO Road Mitigation Plan] The Subdivision Review Committee has
10 determined this proposed public road access to be safe and adequate for this project.
- 11 4) Proposed buildings are compatible with the surrounding community based on the
12 scale and character of new buildings or through setbacks and landscaping. The
13 project will be compatible with the surrounding community because of the design of
14 the buildings and through the use of wide open space buffers around the entire
15 project perimeter. A combination of wooded environmental areas, woods to be
16 retained, forest conservation easements and landscaping will adequately buffer this
17 project from the surrounding properties and Marriottsville Road.
- 18 5) Sufficient area is set aside as open space. The proposed 83.15 acres of open space
19 exceeds the required 35% open space requirement (52.29 acres) and consists of
20 environmental areas, common areas, recreational amenities and landscape/buffer
21 areas.
- 22 6) Suitable common areas and amenities are provided for residents. There will be a
23 community building, pathways, seating areas and common areas for the residents.
- 24 7) Business uses will be sized properly for the PSC District. Not applicable. There are
25 no proposed business uses for this project.

- 1 8) Open space areas must be provided for each phase of development. Open space
2 areas will be provided in the area of each phase to meet the needs of residents.
- 3 9) The development and proposed buildings must be designed for older adults and
4 include universal design components such as first floor master bedrooms and
5 wheelchair accessible features. The development and proposed buildings are
6 designed for older adults and include universal design components such as first floor
7 master bedrooms and wheelchair accessible features.
- 8 10) The development must be subject to covenants or other legal restrictions enforcing
9 age restrictions. The development will have a condominium association and private
10 covenants to enforce the age restrictions to supplement County enforcement of the
11 Zoning Regulations for the PSC zoning district.
- 12 11) The location of the proposed site is in conformity with the General Plan 2000. The
13 site is designated as residential. The location of the project, which provides diversity
14 of housing types, is in conformity with the General Plan 2000 residential use
15 designation.

16 A motion was made by Ms. Dombrowski to accept the DPZ staff recommendation and to approve the
17 Comprehensive Sketch Plan (S-06-13) and Development Criteria. Motion was seconded by Mr.
18 Rosenbaum. The motion was passed by all members of the Planning Board.

19 CONCLUSIONS OF LAW

20 The Comprehensive Sketch Plan (S-06-13) and Development Criteria for GTWs Waverly Woods, Section
21 14, Parcel A, 'The Courtyards at Waverly Woods – West', PB Case 381, satisfy all of the standards for
22 approval of a Comprehensive Sketch Plan and Development Criteria provided in Section 127.1.K.3 and
23 127.1.G of the Howard County Zoning Regulations. For the foregoing reasons, the Petition of the GTW
24 Joint Venture; Hole In The Donut, LLC; Waverly Woods Corp., c/o Land Design and Development, Inc., for
25 approval of a Comprehensive Sketch Plan (S-06-13) and Development Criteria for the development of 350


1 ARAH units (139 SFA units and 211 SFD units) on 149.40± acres of land zoned PSC, is this 1st day of
2 November, 2007, GRANTED by the Planning Board of Howard County, Maryland, subject to the
3 following condition:

- 4 1. Compliance with the Subdivision Review Committee comments for sketch plan, S-06-13.

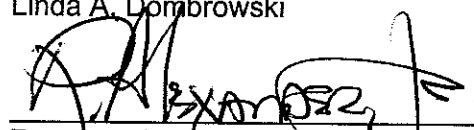
6 HOWARD COUNTY PLANNING BOARD

7 ABSENT

8 Tammy J. Citaramanis – Chairperson

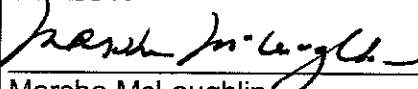
9 
10 David Grabowski – Vice-Chairperson

11 Linda A. Dombrowski
12 Linda A. Dombrowski

13 
14 Ramsey Alexander, Jr.

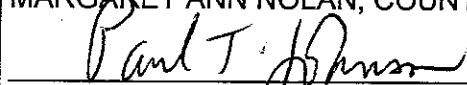
15 Gary Rosenbaum
16 Gary Rosenbaum

17 ATTEST:

18 

19 Marsha McLaughlin
Executive Secretary

20 REVIEWED FOR LEGAL SUFFICIENCY BY:
21 HOWARD COUNTY OFFICE OF LAW
MARGARET ANN NOLAN, COUNTY SOLICITOR

22 
23 Paul Johnson
Deputy County Solicitor

24 MM/ma/cs/pb381D&O
25

LIST OF EXHIBITS

PB-381

GTWs Waverly Woods, Section 14, Parcel A, 'The Courtyards at Waverly Woods – West'

Petitioner's Exhibits

1. Partially colored plan of the proposed development.

MA/cs/pb381